



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-----------------------|---------------------|------------------|
| 10/780,069 | 02/17/2004 | Richard Emil Kajander | 7362 | 9467 |
| 7590 JOHNS MANVILLE Legal Department 10100 West Ute Avenue Littleton, CO 80127 | | | | |
| EXAMINER SALVATORE, LYNDIA | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 1794 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 07/02/2009 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD EMIL KAJANDER

Application No. 10/780,069
Technology Center 1700

Mailed: July 2, 2009

Before ERIC W. HAWTHORNE, *Supervisory Paralegal Specialist*
HAWTHORNE, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on Dec. 10, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

REPLY BRIEF

The review of the file finds that the Reply Brief filed Aug. 25, 2008 includes an amendment and/or new evidence.

In accordance with 37 CFR 41.41(a)(2):

“A reply brief shall not include any new or non-admitted amendment, or any new or non-admitted affidavit or other evidence...”

Because the reply brief filed Aug. 25, 2008 was accompanied by an amendment, affidavit or other evidence, it will be treated as a request that prosecution be reopened before the examiner. See MPEP § 1208 for details.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to treat the Reply Brief as a request to reopen prosecution;
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

EWK/rwk

cc: JOHNS MANVILLE
Legal Department
10100 West Ute Avenue
Littleton CO 80127